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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/049,864	02/19/2002	Birgit Kreller	1454.1223	2446

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STAAS & HALSEY LLP  
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1201 NEW YORK AVENUE, N.W.  
WASHINGTON, DC 20005

EXAMINER
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COURTENAY III, ST JOHN

ART UNIT	PAPER NUMBER
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2126

DATE MAILED: 03/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/049,864

Applicant(s)

KRELLER ET AL.

Examiner

St. John Courtenay III

Art Unit

2126

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 16-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 16-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.


## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

  
ST. JOHN COURTENAY III  
PRIMARY EXAMINER

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date Feb. 19, 2002.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### Detailed Action

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 16 - 40 are rejected under 35 U.S.C. § 102(b) as being anticipated by **Collins, III et al.** (U.S. Patent 5,845,090).

#### As per independent claim 16:

**Collins** teaches an agent system which can be installed on computers connected in a computer network, comprising:

- an agent platform which comprises service programs required in order for the agent system to be executed on the respective computers [e.g., see "Hop Server 4" and associated discussion col. 3, beginning line 16],
- an agent system controller [see Transfer Tool 11, and associated discussion col. 5, beginning line 22] which comprises an agent system launcher [see Remote Package Manager discussion col. 5, line 65: "The Remote Package Manager (23) returns indications to the Network Management Server by placing them on its own Outbound Package Queue (20), where the Package Transfer Agent (21) transmits them to the Network Management Station. In acting on a transmitted Software Package, the Remote Package Manager manipulates the local file system (25), and stores backout images in the Remote Package Archive (22) when appropriate" ; see also col. 6, beginning line 52] to be loaded onto a client computer independently of a reminder of the agent system and is used for loading the agent system from a host computer, such that, before the agent system is loaded from the host computer onto the client computer, the

agent system launcher sends an identifier [see "(9) target for transfer (target computer, group or profile", col. 5, line 33; see also col. 5, line 57: "Return notifications are placed by the Package Transfer Agent (17) on its own Inbound Package Queue (19), for transmission to the Network Management Server."] identifying at least one of client computer hardware and client computer software, the identifier being sent to the host computer [e.g., see transmission of software package using a package transfer agent and associated discussion col. 5, beginning line 14] , and

- an agent system update program to be installed on the host computer to adjust the agent system based on the identifier and at least one of client computer hardware and client computer software, and then to transmit the agent system to the client computer [see Package Transfer Agent 16 and associated discussion col. 5, beginning line 38].

**As per independent claim 24:**

This claim is rejected for the same reasons detailed above in the rejection of independent claim 1, and also for the following additional reasons:

**Collins** teaches a computer network having a plurality of computers, comprising:

- a host computer [e.g., see "Hop Server 4" and associated discussion col. 3, beginning line 16];
- a client computer [see "Target Systems" col. 5, line 61;
- data lines connecting the host and client computers [col. 2, line 29, "Any digital computer electrically connected to the network is a potential

Distribution Target, while one or more computers are pre-designated as the Network Management Server for a given network."]; and

- an agent system comprising:
  - an agent system launcher loaded onto the client computer to send to the host computer an identifier identifying at least one of client computer hardware and client computer software and to subsequently load the agent system onto the client computer [see Remote Package Manager discussion col. 5, line 65: "The Remote Package Manager (23) returns indications to the Network Management Server by placing them on its own Outbound Package Queue (20), where the Package Transfer Agent (21) transmits them to the Network Management Station. In acting on a transmitted Software Package, the Remote Package Manager manipulates the local file system (25), and stores backout images in the Remote Package Archive (22) when appropriate" ; see also col. 6, beginning line 57: "Return notifications are placed by the Package Transfer Agent (17) on its own Inbound Package Queue (19), for transmission to the Network Management Server."], and
  - an agent system update program installed on the host computer to adjust the agent system based on the identifier and at least one of client computer hardware and client computer software, and then to transmit the agent system to the client computer [see Package Transfer Agent 16 and associated discussion col. 5, beginning line 38].

**As per independent claim 31:**

This claim is rejected for the same reasons detailed above in the rejection of the preceding independent claims, and also for the following additional reasons:

**Collins** teaches a method for loading a system from a host computer to a client computer, comprising:

- agent system launcher sending an identifier identifying at least one of hardware and software of the client computer, the identifier being sent from an agent system launcher loaded on the client computer, the identifier being sent to the host computer [see Remote Package Manager discussion col. 5, line 65: "The Remote Package Manager (23) returns indications to the Network Management Server by placing them on its own Outbound Package Queue (20), where the Package Transfer Agent (21) transmits them to the Network Management Station. In acting on a transmitted Software Package, the Remote Package Manager manipulates the local file system (25), and stores backout images in the Remote Package Archive (22) when appropriate" ; see also col. 6, beginning line 57: e.g., "Return notifications are placed by the Package Transfer Agent (17) on its own Inbound Package Queue (19), for transmission to the Network Management Server."];
- compiling an agent system adjusted to at least one of hardware and software of the client computer based on the identifier received at the host computer from the client computer, the agent system being compiled by an agent system update program installed on the host computer [see discussion col. 6, beginning line 19: "A Package (39) may contain a pre-build method (26) which is messaged prior to assembling the package data files each time the package is transferred. For example, information may be extracted from a database, and placed into the Central Package Archive prior to building the package for transfer each time it is transferred. A Package may contain a post-build method (27), which is messaged after the build is complete each time a package is transferred. A Package will contain both installation (28) and backout methods (29). A Package may contain a pre-install method (30), which is messaged on each target computer prior to installing the Package. A Package may contain a post-install method (31), which is messaged after a successful installation on the target computer. A Package may contain a pre-backout method (32) which is messaged prior to backing the Package out on the Target computer. A Package may contain a post-backout method (33) which is messaged after a successful backout of the Package on the Target computer. A Command Package may contain a System Administration Command method (34), which performs some system administration function on the Target computer. A Command Package may contain a Reverse System Administration Command method (35) which reverses the effects of the System Administration Command method (34). A Distribution or Collection Package may contain a Dynamic File Manifest (36) which specifies the files to collect at package build time on the NMS, or at data collection time on the Target system. The Package must contain a Package File Manifest (37), specifying the files contained in the Package (if any), their attributes, and their sizes. Finally, the Package may

contain data files (38), binaries, text, executables, etc. for transmission to the Target computer.”]

- transmitting the agent system to the client computer [see transmission step, col. 5, line 60]; and
- loading the agent system on the client computer by the agent system launcher [see Package Transfer Agent 16 and associated discussion col. 5, beginning line 38].

**As per independent claim 40:**

This claim is rejected for the same reasons detailed above in the rejection of the preceding independent claims, and also for the following additional reasons:

**Collins** teaches a method for loading a system from a host computer to a client computer, comprising:

- sending an identifier from the client computer to the host computer, the identifier identifying at least one of client computer hardware and client computer software [see “(9) target for transfer (target computer, group or profile”, col. 5, line 33; see also col. 5, line 57: “Return notifications are placed by the Package Transfer Agent (17) on its own Inbound Package Queue (19), for transmission to the Network Management Server.”],
- adjusting an agent system to at least one of client computer hardware and client computer software based on the identifier, the agent system being adjusted at the host computer [see discussion col. 6, beginning line 19: “A Package (39) may contain a pre-build method (26) which is messaged prior to assembling the package data files each time the package is transferred ... see rejection of claim 31 above] ;
- transmitting the agent system to the client computer [col. 6, line 17, i.e., “agent program”; see also package transfer

agent discussion, e.g., col. 5, line 59: "The Package Transfer Agent transmits Packages on its Outbound Package Queue (18) to one or more Target Systems, which receive the Package through their Package Transfer Agent (21)" and

- loading the agent system on the client computer [see discussion col. 5, beginning line 59: e.g., "The Package Transfer Agent transmits Packages on its Outbound Package Queue (18) to one or more Target Systems, which receive the Package through their Package Transfer Agent (21)."]

**As per dependent claim 17:**

**Collins** teaches the agent system launcher is designed both for loading a full agent system and for loading parts of the agent system [see Package Transfer Agent 16 and associated discussion col. 5, beginning line 38].

**As per dependent claim 18:**

**Collins** teaches the agent system launcher tests at least one of hardware and software of the client computer in order to produce the identifier [e.g., see "If the Package Type is Collection, then the Transfer Daemon messages the Package to initiate data collection (47) on the Target. If the collection is a success (50), then the collected data is placed in Package format, and transmitted to the specified Collection Receiver (53). At every step, the Transfer Daemon notifies the NMS of its progress and result (54). When complete (55), the Transfer Daemon re-scans its Inbound Package Queue for additional work." and associated discussion col. 7, beginning line 24] .

**As per dependent claim 19:**

**Collins** teaches the agent system launcher compares a version of a previous agent system installed on the client computer with a version of the agent system which can be loaded from the host computer [see, e.g., "Distribution Streams" discussion col. 8, beginning line 10].

**As per dependent claim 20:**

**Collins** teaches the agent system is an agent system for mobile agents [see Package Transfer Agent 16 and associated discussion col. 5, beginning line 38].

**As per dependent claim 21:**

**Collins** teaches the agent system launcher tests at least one of hardware and software of the client computer in order to produce the identifier [see "Transfer Daemon" discussion col. 6, beginning line 58].

**As per dependent claim 22:**

**Collins** teaches the agent system launcher compares a version of a previous agent system installed on the client computer with a version of the agent system which can be loaded from the host computer [see Package Transfer Agent 16 and associated discussion col. 5, beginning line 38; see also Pre-Backout methods 32, fig. 3, discussion col. 6, line 32].

**As per dependent claim 23:**

See the rejection of claim 20 above.

**As per dependent claim 25:**

**Collins** teaches at least one of the computers is a mobile computer [see discussion col. 7, beginning line 35].

**As per dependent claim 26:**

**Collins** teaches the mobile computer is connected to the computer network by a nonpermanent data line [see: col. 7, beginning line 35, e.g., "Not all computers are electrically connected to the internetwork at all times. They are sometimes "off-line". Therefore, a mechanism is implemented in the present invention to accommodate computers which connect occasionally."].

**As per dependent claim 27:**

See the rejection of claim 17 above.

**As per dependent claim 28:**

See the rejection of claim 18 above.

**As per dependent claim 29:**

See the rejection of claim 19 above.

**As per dependent claim 30:**

See the rejection of claim 20 above.

**As per dependent claim 32:**

**Collins** teaches the agent system launcher first checks whether a previous agent system is already installed on the client computer, if the previous agent system is installed, the agent system launcher tests whether an update is possible or required and whether the previous agent system is in operation, and if an update is possible or required and the previous agent system is in operation, the operation of the agent system is terminated so that it can be updated [see Remote Package Manager discussion col. 5, line 65: "The Remote Package Manager (23) returns indications to the Network Management Server by placing them on its own Outbound Package Queue (20), where the Package Transfer Agent (21) transmits them to the Network Management Station. In acting on a transmitted Software Package, the Remote Package Manager manipulates the local file system (25), and stores backout images in the Remote Package Archive (22) when appropriate" ; see also col. 6, beginning line 57: e.g., "Return notifications are placed by the Package Transfer Agent (17) on its own Inbound Package Queue (19), for transmission to the Network Management Server."; see also "Transfer Daemon" discussion col. 6, beginning line 58].

**As per dependent claims 33 & 34:**

**Collins** teaches a call to the host computer involves the client computer sending the identifier to the host computer and then receiving the agent system from the host computer [see Package Transfer agent discussion col. 5, lines 55-65].

**As per dependent claim 35:**

**Collins** teaches if a previous agent system is loaded on the client computer, determining whether the previous agent system should be updated and updating the previous agent system [e.g., see "Distribution Backout" and associated discussion col. 7, beginning line 1].

**As per dependent claim 36:**

**Collins** teaches:

- testing whether an update is possible in principle, if an update is possible, sending a version identifier to the host computer [col. 6, e.g., "Remote Package Manager 23" discussion beginning line 1];
- sending to the client computer version information indicating a most recent agent system which can be loaded from the host computer [see "software package" and "agent program" discussion col. 6, lines 8-18];
- comparing the version identifier with the version information, and if the comparison reveals that the version which can be loaded from the host computer is more up to date than the version of the previous agent system which is on the client computer, updating the previous agent system [see "Transfer Daemon" discussion col. 6, beginning line 58].

**As per dependent claim 37:**

**Collins** teaches wherein comparing the version identifier with the version information involves testing whether separable parts of the agent system on the host computer are more up to date than corresponding separable parts of the previous agent system on the client computer, and if separable parts on the host computer are more up to date, then only the separable parts of the

previous agent system are updated [see "Transfer Daemon" discussion col. 6, beginning line 58].

**As per dependent claims 38 & 39:**

**Collins** teaches wherein the identifier comprises information on the client computer selected from the group consisting of memory size, type of display, typical processing speed, type of network and system software used [e.g., see "Criteria mechanism" and associated discussion col.8, beginning line 22].

**Prior Art not relied upon:**

Please refer to the references listed on the attached PTO-892 which are not relied upon in the claim rejections detailed above.

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**How to Contact the Examiner:**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to St. John Courtenay III, whose telephone number is 571-272-3761. A voice mail service is also available at this number. The Examiner can normally be reached on Monday - Friday, 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, An Meng-AI who can be reached on 571-272-3756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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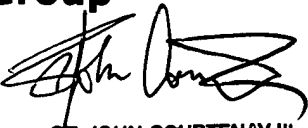
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**PTO CENTRAL FAX NUMBER:  
703-872-9306**

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- Any inquiry of a general nature or relating to the status of this application should be directed to the **TC 2100 Group receptionist: (571) 272-2100.**

  
ST. JOHN COURTENAY III  
PRIMARY EXAMINER